IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6760 OF 2002

Prabhakar Anaji Dumbre & Anr..... Petitioners.

Versus

The Collectgor, Nashik & Ors... ... Respondents.

Mr. J. N. Pawar for the Petitioners.

Mr. C.R.Sonawane, AGP for Respondent Nos.1 & 4.

Mr.Prashant Patil with Mr.R.V.More for Respondent No.2.

Mrs. A.R.S.Baxi for Respondent No.3.

CORAM : V.G. PALSHIKAR, and V.R.KINGAONKAR, JJ.

DATED : 9TH MARCH, 2006.

P.C.:

By this petition, the petitioners have made the following prayers :

(a) To issue any appropriate writ or direction in the nature directing the respondents make proper and permanent arrangement that no agriculturist will be able to lift the water from said Dam

(Bandhara) illegally and the said water will be only used for drinking purpose.

(b) To issue any appropriate writ or direction in the nature directing the respondent No.3 to disconnect the supply of all those agriculturist who are illegally lifting the water from said Dam (Bandhara) by using electric motors and not to sanctioned any electric connection in future.

(c) Pending the hearing and final disposal of this petition the respondent No.3 authority may kindly be directed not to restore the electric supply which has been disconnected by them as per the representation made by the petitioner.

(d) Pending the hearing and final disposal of this petition the respondents may kindly be directed to take all necessary steps to stop the illegal lifting of the water from the said Dam (Bandhara).

(e) Ad-interim relief in terms of prayer clauses (c) and (d) above.

(f) For such other and further orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case.

2. Rule was granted and reply has been filed by Respondent No.3 - Maharashtra State Electricity Board, wherein categorical statement is made in para 11 as under:

> "I state and submit that from the spot inspection, it is found that the agricultural farms were not shifted from the place where the original connection was granted. I state and submit that there is no iota of evidence to show the illegality committed by the said agriculturists."

Then in para 12, this statement is repeated and it is contended that no misuse of electricity connection is made. Then the affidavit further states "I state and

submit that the MSEB has already given instructions to the concerned Engineer to keep a watch that there should not be any lifting of water by using illegal electric supply of the MSEB".

3. In view of this categorical statement made and lack of any rebuttal thereof, though the affidavit was filed on 2nd May, 2003, in our opinion, no further direction is necessary in relation to any of the prayers made in the petition. Hence, petition disposed of. Rule discharged. No order as to costs.

-.-.-.-.-.-.-.-.-.-.-.-